

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **8:24-cv-01705-KK-SHK**

Date: December 12, 2024

Title: *Adolfo Rodriguez v. Martin J. O'Malley, Comm'r of Soc. Sec'y*¹

Present: The Honorable Shashi H. Kewalramani, United States Magistrate Judge

D. Castellanos
Deputy Clerk

Not Reported
Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

Proceedings (IN CHAMBERS): ORDER TO SHOW CAUSE

On August 5, 2024, Plaintiff Adolfo Rodriguez (“Plaintiff”) filed a Complaint for Review of Social Security Decision (“Complaint”) against Defendant Martin J. O’Malley (“Defendant”). Electronic Case Filing Number (“ECF No.”) 1, Compl. On November 1, 2024, Defendant Moved to Dismiss (“MTD”) this case. ECF No. 12, MTD. On November 5, 2024, the Court issued a Briefing Schedule on the MTD (“Briefing Schedule”) that, in relevant part, ordered Plaintiff to file an opposition, or notice of non-opposition, to the MTD by November 20, 2024, that was limited to issues raised in the MTD. ECF No. 13, Briefing Schedule at 1.

Plaintiff was “**advised that failure to timely oppose the MTD may be construed as consent to the granting of the MTD and may result in dismissal of the action under [Local Civil Rule for the United States District Court for the Central District of California (“Local Rule” or “L.R.”)] 7-12.**” *Id.* at 2 (emphasis in original); see also L.R. 7-12 (“The Court may decline to consider any memorandum or other document not filed within the deadline set by order or [L]ocal [R]ule[.]” and “[t]he failure to file any required document, or the failure to file it within the deadline, may be deemed consent to the granting or denial of the motion[.]”).

¹ Martin J. O’Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O’Malley is substituted for Nancy A. Berryhill as the Defendant in this suit. See Fed. R. Civ. P. 25(d) (“An action does not abate when a public officer who is a party in an official capacity dies, resigns, or otherwise ceases to hold office while the action is pending. The officer’s successor is automatically substituted as a party.”).

Plaintiff has not timely filed an opposition, or notice of non-opposition, to the MTD as ordered. Consequently, Plaintiff is ordered to show cause (“OSC”) by **December 20, 2024**, why this case should not be dismissed for failure to prosecute and follow Court orders. Plaintiff can satisfy this order by filing an opposition, or notice of non-opposition, to the MTD as ordered by the date stated above.

Plaintiff is warned that failure to timely satisfy this order will result in the Court either: (1) construing Plaintiff’s failure to timely oppose the MTD as consent to the granting of the MTD and the dismissal of the action under Local Rule 7-12; or (2) dismissing this case for failure to prosecute and follow Court orders.

IT IS SO ORDERED.